

Special Notice: All Property Owners in the Municipality of Portage-du-Fort

Re: Building and Development Permits – 2019

Issuance Date: February 15, 2019

Notice number:2019-01

This notice provides important information regarding the requirements for property owners to obtain a building permit prior to any work being performed on the property. The registered owner of the property is responsible to comply with municipal by-laws (251-01, 251-02, 251-03 and 251-04) when performing the following types of work:

- New construction
- Renovations
- Additions to Buildings
- Extension
- Septic Installation
- Allotment
- Certification Location
- Repairs
- Demolition
- Pool
- Other – Includes all other developments not included in the above descriptions and for which a permit may be required.

These municipal by-laws can be obtained from the town office by attending in person or contacting Lisa Dagenais, Director General. The municipal contact information and office hours can be viewed by visiting the municipal website at: <https://portage-du-fort.com/portage-du-fort>.

Failing to obtain a permit prior to the commencement of any work may result in an order suspending the work or use in accordance with By law 251-04 which reads:

7.1 Violation of the Planning By-laws

When any person violates the provisions of this By-law, the designated officer must:

- a) Order the suspension of the work or of the use;*
- b) Notify the owner in writing, providing him or her with instructions pertaining to the violation;*
- c) If the owner has not complied with the notice within a period of forty-eight (48) hours, the designated officer must undertake the necessary procedures in order to obtain suspension of the work or the use.*

In addition, persons failing to comply with the applicable By-laws may be subject to fines, court actions and costs associated with bringing the non-conforming requirements into compliance. This notice is intended to provide information to assist property owners in carrying out the various

activities in compliance with the by-laws and a **By-law Highlights sheet** has been included for your convenience. It is the Council's greatest wish that property owners work with the designated officer (building inspector) to pro-actively manage the various requirements to achieve sustainable and responsible development activities within the Municipality of Portage-du-Fort.

If you are considering a project or have begun a project without the required approvals and permits, we urge you to contact Gary Duncan, Building Inspector/Designated Officer, as soon as possible at which time information clarifications can be provided to ensure that your project starts on time and remains compliant with the Municipal By-laws.

Looking ahead, we conducted a physical inspection of almost every property in the municipality during the fall of 2018. It was during this review that we noted a significant number of non-compliant activities and situations which will require remedial action plans to bring those situations into compliance. In the event we do not hear from you within the next 30 days, we will be conducting a series of follow up communications to work with you on any deficiencies that will need a corrective plan.

We look forward to this year as we expect that the trend in development activities will continue to grow and as such, lead to other activities which support a vibrant and sustainable municipal setting. We thank you in advance and look forward to hearing from you.

Contact Information

Gary Duncan: **(613) 816-9378** text or phone, Email: **portagedufortbuildinginspector@gmail.com**

By-law highlights

By-law 251-04

3.1 Responsibility for the Issuance of Permits and Certificates

The issuance of permits and certificates arising from the planning by-laws regulations is the responsibility of the officer designated for this purpose by Council by the mean of a by-law, in compliance with Section 119, 7th paragraph, of the Act respecting Land Use Planning and Development (R.S.Q., c. A-19.1).

3.1.1 Functions of the Designated Officer

The designated officer, his or her representative or any assistant duly authorized by Municipal Council, shall inspect and supervise structures, land occupancies and roads and, to this purpose, the following duties are conferred upon these persons:

1. To administer and apply the planning by-laws in their entirety;
2. To supervise and inspect the layout of streets and roads, subdivisions, land use, landscape development and overall design;
3. To supervise and monitor structures, occupancy of buildings and land use;
4. To keep records with respect to:
 - All applications pertaining to the performance of this By-law;
 - All inspections and all tests;
 - All permits and orders issued.
5. To retain copies of all documents pertaining to the administration of this By-law. These documents are part of public records and municipal archives;
6. To notify the owner in writing in the case where a structure does not conform to the provisions of this By-law, indicating in the aforesaid notice:
 - The reasons for the non-conforming status;
 - The immediate action to be taken within forty-eight (48) hours of the date of receipt of the notice;
 - The permanent measures to be taken within thirty (30) days following the date of receipt of the notice.

The above-mentioned notice may be delivered by hand, or sent by registered mail.

7. To revoke a permit:
 - When one of the conditions necessary for its issuance constitutes a violation;
 - When the permit has been granted in error;
 - When the permit has been granted on the basis of inaccurate information.

3.1.2 Powers of the Designated Officer

The designated officer may:

1. At any reasonable time, visit the site and enter any building constructed or under construction to ensure that the provisions of the municipal planning by-laws have been observed.

Owners and occupants **must** permit the officer to visit such building and must provide him or her with all the information necessary to perform his or her work;

2. Subject to the provisions contained in this By-law concerning the necessity of providing a notice, to deliver or cause to be delivered to any and all owners, occupants or other parties having responsibility for the site or situated there on, a notice indicating the need to rectify a condition when the officer considers that this condition constitutes a violation of this By-law;
3. Order any owner, occupant or other party having responsibility for the site to suspend any occupancy or any work on the building when the use or the work contravene this By-law, or when the building is considered to be hazardous;
4. Extend the time period normally provided under the terms of this By-law for the restoration to use, the repair or the demolition of a hazardous or run-down structure, by issuing a special authorization when there is evidence that the work will be performed, but valid reasons prevent the completion of the work within the time limits normally allowed under this By-law;
6. Order the stoppage of work or to refuse to issue an occupancy certificate when the results of the above-mentioned tests are not satisfactory;
7. Issue any permit for work which conforms to this By-law, and to refuse to issue any permit for work which does not conform to this By-law, in compliance with Chapter 4 of this By-law;
8. Require from any and all owners a certificate of location issued by a land surveyor member of the Québec Order of Land Surveyors (OAGQ) to make sure that the setbacks are respected when the location of the building seems to be non-conforming.

3.1.3 Prohibitions

1. Whoever does not respect an order or a notice issued by the designated officer, or tolerates a violation of this By-law, commits a violation of this By-law;
2. No person may begin or pursue work mentioned in this By-law, unless the owner or his or her duly authorized representative has obtained a permit to this effect;
3. No person may deviate from the plans and sketches which form a part of the building permit, nor omit or neglect to complete, before occupancy of the premises, the work described in the plans and sketches which have been previously approved, without first obtaining written approval from the designated officer;
4. No person exercising any authority with respect to building, rebuilding, demolition, remodelling, removal, moving or the use of any building may cause, tolerate or maintain any hazardous condition;
5. No person may perform any excavation or other work on public property, or above or below public property, nor construct or place thereupon any structure, any work or store anything

there on before having received written authorization to this effect from the administration concerned;

6. No person may allow the limits of the building lot to be modified in such a way as to place the building or a part of the building in violation of this By-law, unless the building or the part concerned has been modified, without having previously obtained the necessary authorization, so that the change in the limits of the property or the approved ground levels do not result in any violation;
7. Whoever knowingly supplies false or misleading information commits a violation of this By-law.

3.1.4 Duties of the Designated Officer

1. The designated officer shall refuse to issue a permit:

- When the information supplied does not allow him or her to determine whether the project is in conformity with the existing planning by-laws applicable in this instance;
- When the information supplied is inexact;
- When this permit contemplates work for a structure intended for a use which is not authorized under the terms of the Zoning by-law;
- When the structure is in violation of any applicable by-law or other law.

2. The designated officer must inform any and all applicants of the contents of the planning by-laws and the procedures pertaining thereto.

4.1 General Procedure for the Application of a Permit or Certificate

All applications for permits or certificates must be submitted in writing to the designated officer on the forms supplied for this purpose by the Municipality. Such applications must be accompanied by the required documents, according to the nature of the permit. If the form is properly filled out, the designated officer must:

- a) Stamp the required and dated documents;
- b) Date the application for the permit on the day the application is considered to be complete;
- c) Forward the list of information or documents required in each case, to the applicant for the permit, or to his or her duly authorized representative;
- d) Make a decision on the quality of the documents submitted. The designated officer may require submission of all details and information considered necessary to assess the application and to ensure compliance with the provisions of the existing planning by-laws. It is the duty of the applicant, or of his or her duly authorized representative, to ensure that all necessary documents are submitted. When the file is duly completed, the assessment of the conformity of the application will be performed and the time limit required for the decision to issue the permit will begin as of that date;
- e) Study the conformity of the application with the provisions contained in the existing planning by-laws or any other by-law of the Municipality;

- f) If the application is not in compliance with the provisions of the existing municipal planning by-laws, prepare a report indicating the reasons why the application is not compliant. This report shall be appended to the permit application;
- g) Deliver to the applicant, within the maximum time limit set within this By-law, either the permit for which application had been made, if the application is in compliance or the reason for refusal if the application is not in compliance.

4.3 Building Permit

4.3.1 Obligation to Obtain a Building Permit

No person may erect any permanent or temporary structure, modify, repair or remodel any structure or any part of a structure, install a prefabricated building, perform excavation work for building or installing a structure, without having obtained a permit to this effect from the Municipality. Any person wishing to install or to construct a swimming pool or any new roads must obtain a building permit in good and due form.

It is not necessary to obtain a building permit to perform painting work or for small repair work necessary to perform normal maintenance work on structures without changing their dimensions.

4.3.2 Conditions Governing the Issuance of the Building Permit

The designated officer shall issue a building permit if:

1. The application is in conformity with the Zoning and Construction by-laws, and with this By-law;
2. The application is accompanied by all the plans and documents required under the terms of this By-law;
3. The application for a new structure is accompanied by a layout plan;
4. The fees for the obtaining of the building permit have been paid;
5. The site on which each planned structure is to be erected, including any accessory buildings, forms a separate lot on the official cadastral plan or on a subdivision plan drawn up and filed in compliance with Section 3043 of the Québec Civil Code;
6. The lot on which the structure is to be erected is adjacent to an established public street or to a street, a road or a right-of-way acceptable to municipal standard;
7. The structure is in all respects in conformity with the provisions of the By-law;
8. The plans call for the installation of a septic tank with drains and a source of potable water, in compliance with the regulations of the Québec Ministry of the Environment (MENV) and with municipal regulations;
9. A visit to the site by the designated officer proves that the lot is suited to build on;
10. The lot on which a structure is to be erected is not located within a 0-20 recurrence floodplain, or the lot has not been filled in and developed at a level greater than said elevation;
11. The water or sewer services are legally installed in the street bordering the location of the projected construction, or the By-law authorizing their installation is in force. Furthermore, the

missing service can be installed in accordance with the regulations pursuant to the Environment Quality Act (R.S.Q., c. Q-2).

4.3.3 Content of the Application for a Building Permit

A. The application for a building permit must be submitted in writing, in three (3) copies, on the official forms of the Municipality. This application, duly dated, must indicate the name, first name and address of the owner or of his or her legal representative, the cadastral description and the dimensions of the lot, the details of the planned work, the probable duration of the work and an estimate of the building costs. In addition, it must be accompanied by two (2) copies of the following documents:

1. A layout plan, drawn to a scale of at least 1:500 of the building(s) on the lot on which construction is planned, indicating the shape and the area of the lot, the official cadastre, the regulation street lines and setbacks. If there are buildings located on these lots already, their exact location must be provided;
2. The plans, elevations, cross-sections, sketches and plans providing a clear idea of the building project, the use and the use of the lot are required. These plans must be drawn to scale, according to an indelible process;
3. An estimate of the probable cost of the project;
4. A picture of the existing building dated less than thirty (30) days in the case of a building to be moved. The owner or contractor must commit himself or herself to make the new foundations fully finished before to start moving the building;
5. The location of the public or private services, waterways and public or private roadways which are located on the building lot;
6. The location of the other important physical characteristics, such as slopes, rocks, woods or swamps (natural constraints);
7. The location plan for the source of potable water and of the septic facility, as well as a sketch of the septic facility;
8. In addition to the above-mentioned plans and sketches, any application for a building permit for a building intended for commercial or industrial purposes, a multiple dwelling or a public use, must be accompanied by plans and sketches, a plan of the parking areas, interior parking and open natural spaces.

The Municipality must provide a receipt to the owner or to his or her representative for the application for a building permit, and for the appended documents.

B. In the case of an application for a building permit for the construction of a structure in the bed or the shore of a permanent watercourse or of a lake (dam, retaining wall, boat launching ramp, backfilling, etc.), the applicant must first obtain the authorization of the Québec Ministry of the Environment, in compliance with the Environment Act (R.S.Q., c. Q-2).

4.3.6 Modifications to the Plans

The contractor may not, during this work, modify the authorized layout plans without prior written authorization issued by the designated officer. The latter may not issue said authorization except if the modifications requested are in compliance with the provisions contained in the Zoning and Construction By-law and with this By-law.

4.3.7 Time Limit for the Issuance of the Building Permit

Within a time limit of at least thirty (30) days from the date when the application is considered to be complete, the designated officer must issue the building permit applied for, if the planned work meets the requirements stipulated by the provincial and municipal sanitary authorities, and to the provisions contained in the municipal planning by-laws. If the decision is to the contrary, the designated officer must indicate his or her refusal to the applicant in writing and provide reasons for it.

In either case, the designated officer must return to the applicant a copy of the plans and the documents attached to the application, and keep the other copies in the archives of the Municipality.

4.3.8 Expiry Date of the Building Permit

The permit is valid for a period of twelve (12) months. Any permit shall expire if:

- a) The work for which the building permit has been issued is not started within six (6) months of the issue date of said permit;
- b) The permit is transferred to another person without the written consent of the designated officer;
- c) The work is interrupted for a period of twelve (12) months;
- d) A person who has committed a violation of the Zoning and Construction by-laws and of this By-law does not comply with the notice served to him or her by the designated officer;
- e) The construction is not finished within twelve (12) months of the issue date of said permit.

If a permit expires, the applicant must obtain a new building permit in conformity with the regulations in force when this new application is submitted. The amount paid for the original building permit is not refundable.

4.3.9 Necessity of Verifying the Setback

All permit holders must, as soon as the excavation of the foundations has been started, notify the designated officer who, within twenty-four (24) hours, shall visit the building site and visually ensure that the prescribed setbacks have been observed.

When he or she doubts that the prescribed setbacks have been observed, the designated officer may require a location certificate, prepared by a land surveyor member of the Québec Order Land Surveyors (OAGQ).

4.3.10 Posting of the Building Permit

The permit authorizing the building, modification, repair or movement of any building shall be placed clearly in view during the entire time work is under way, and shall be placed on the lot where said work is performed.

4.3.11 Responsibility of the Owner

The owner is fully responsible for performing or for having performed all building work, in compliance with the provisions contained in this By-law. Commencement of work before the issuance of the building permit is prohibited.

All owners must:

- a) Obtain any building permit or certificate of authorization pertaining to the planned work;
- b) Determine, from the designated officer, the authorized setback for the structure and the level of the street, if erection of a building is proposed;
- c) Permit the designated officer to enter any building or structure being erected and the worksite, at all reasonable times, for the purpose of applying this By-law;
- d) Notify the designated officer in writing within thirty (30) days of the completion of the work described in the building permit.

4.10 Certificate of Occupancy

4.10.1 Definition

The certificate of occupancy is the official document issued by the Municipality approving conformity of the structure with the existing planning by-laws, and allows the applicant to occupy the premises on a permanent basis.

4.10.2 Obligation to Obtain a Certificate of Occupancy

Whoever wishes to use or to occupy a building or a plot of land, for any purpose whatever, must first obtain a certificate of occupancy from the designated officer. The applicant must have met the requirements of this By-law as for the issuance of the building permit.

All applications for certificates of occupancy must be forwarded to the designated officer, and be accompanied by the following information:

- a) The building permit, if the building has already been the subject of a building permit;
- b) In the absence of a building permit, all documents required by the designated officer, among those mentioned in Sub-division 4.3.3, according to the specific case

4.10.3 Conditions Governing the Issuance of the Certificate of Occupancy

No certificate of occupancy may be issued, unless:

- The building and/or the use meet all the requirements contained in the Zoning By-law;
- It meets all the requirements of this By-law, including parking, construction and health standards;
- It is in conformity with the requirements stipulated in provincial laws and regulations;
- The designated officer has performed a final inspection of the building, and has judged that this building is fit for occupancy;
- A certificate of location has been filed at the municipal office, when required.

4.10.4 Time Limit for the Issuance of the Certificate of Occupancy

If the use has not been contemplated by a building permit, and if the application is in compliance with the conditions listed in sub-divisions 4.10.2 and 4.10.3, the designated officer shall approve the certificate of occupancy, and forward it to the applicant within thirty (30) days of the receipt of the application. The designated officer shall then forward to the applicant an approved copy of the application, accompanied by the certificate of occupancy. Two (2) approved copies, after forwarding to Council, shall be submitted to the archives of the Municipality for preservation therein.

If the use has previously been contemplated by a building permit, and if the designated officer considers that the structure is in compliance with the conditions in sub-divisions 4.3.2 and 4.3.3, the signature of the designated officer at the bottom of the building permit, after the final inspection, shall substitute for the certificate of occupancy. If the designated officer considers that the use is non-conforming, he or she must require that necessary corrective works be made to the structure.

4.10.5 Validity of the Certificate of Occupancy

Any certificate of occupancy shall be null and void if there is no occupancy within twelve (12) months following the issue date of the certificate of occupancy.

4.11 Responsibilities and Obligations of the Applicant for a Building Permit or Certificate of Occupancy

4.11.1 Responsibility of the Applicant

Neither the granting of a building permit, nor the approval of the plans and sketches, nor the inspections performed by the designated officer may relieve the owner of a building from his or her responsibility for performing the work or having work performed according to the stipulations contained in this By-law and in the by-laws applying in consequence.

4.11.2 Duties of the Applicant

1. The applicant must allow the designated officer to enter, at any reasonable hour, any building or premises in order to ensure that the terms of this By-law are respected.
2. The applicant must ensure that the plans and sketches contemplated by the building permit are available at all times during working hours at the place where the work is conducted, for inspection purposes by the designated officer, and that the permit, or a true copy thereof, is posted in a clearly visible manner in the premises where the work is being conducted throughout the entire time said work is being conducted.
3. The applicant must advise the designated officer:
 - a) Of his or her intention to perform the work for which inspection is required during the building phase;
 - b) Of his or her intention to cover a work for which inspection is required, before covering said work;
 - c) From the conclusion of the work, so that the latter may perform a final inspection.
4. The applicant must perform, or cause to be performed, at his or her own expense, the tests and inspections required to prove that the work is in conformity with the requirements stipulated in this By-law. The applicant must forthwith forward to the designated officer a copy of the reports of all tests and inspections.
5. When required, the applicant must supply to the designated officer a current certificate of location for the location of the building.
6. Upon the designated officer's request, any applicant must uncover and replace, at his or her own expense, any work which has been covered contrary to a request from the designated officer.
7. The applicant is obliged to pay for the repair of all damage caused to public property or to any facilities located within the public domain, and which may occur owing to the fact of the work for which a building permit is required under the terms of this By-law.
8. No applicant may deviate from the requirements stipulated in this By-law or the conditions governing the issuance of the building permit, or omit to perform the required work, without having previously obtained permission in writing from the designated officer.

4.12 Rates for Permits and Certificates

4.12.1 Subdivision Permit

Each lot \$ 100.00

4.12.2 Building Permit

New dwelling, new residence, new cottage	\$ 200.00
Renovation (less than \$ 2,000.00)	\$ 20.00
Renovation (\$ 2,000.00 to \$ 5,000.00)	\$ 40.00
Renovation (more than \$ 5,000.00)	\$ 75.00
Addition, enlargement ¹	\$ 150.00

1. Including the septic facility if it has be changed for the addition of the third room.

4.12.3 Permit for a Septic Facility

Installation of a septic facility \$ 100.00

4.12.4 Amendment to Zoning

Examination of an application for an amendment to zoning \$ 150.00
and publication

4.12.5 Certificate of Authorization

Issuance of a certificate of authorization \$ 40.00

For: Posting of a sign
Moving a building
Change in the use
Domestic use
Demolition
Temporary use (trailer, camper-trailer)

4.12.6 Certificate of Occupancy

Application made subsequent to a building permit No fees

In all other cases No fees

4.12.8 Connection with the Municipal Waterworks System

Neither permit nor certificate is required for the connection of a new structure to the municipal waterworks system. However, \$ 200.00 costs can be payable to the Municipality when the applicant, who have obtained a building permit, makes a request, and when the area is serviced with the municipal waterworks system.